

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/25/2015

Action Requested By:
Planning

Agenda Item Type
Ordinance

Subject Matter:

Annexation of land.

Exact Wording for the Agenda:

Introduction of an ordinance concerning the annexation of land lying north of Interstate 565 and on the north side of Governors West.

Note: If amendment, please state title and number of the original

Item to be considered for: Introduction Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

8.51 acres.

Additional information is attached.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 6/16/2015

ORDINANCE NO. 15-

WHEREAS, Five Rings, LLC, An Alabama Limited Liability Company, by James B. Packard, As its Manager, has petitioned the governing body of the City of Huntsville, Alabama, requesting that certain property or territory be annexed to the City of Huntsville, Alabama; and

WHEREAS, said petition contained the signature of the owner of the property as the same is assessed for ad valorem tax purposes; and

WHEREAS, said property is contiguous to the present city limits of the City of Huntsville, Alabama, and does not lie within the corporate limits of any other municipality; and

WHEREAS, a map of said territory showing its relationship to the corporate limits of the City of Huntsville, Alabama, has been filed with the City Clerk-Treasurer; and

WHEREAS, it is the judgement and opinion of the City Council of the City of Huntsville, Alabama, that it is necessary and proper and in the public interest that said property be brought within the corporate limits of the City of Huntsville, Alabama;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows;

1. That the City Council of the City of Huntsville, Alabama hereby assents to the annexation of certain property to the City of Huntsville, Alabama, which said property as hereinabove referenced is more particularly described as follows:

All that part of Section 12, Township 4 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of Section 12; thence from the point of beginning and along the south boundary of said Section 12 Due East 2,094.97 feet; thence leaving said boundary North 06 degrees 56 minutes 13 seconds West 768.46 feet to a point located on the south right-of-way of Governors West; said point is further described as the point of true beginning; thence leaving said right-of-way and point of true beginning North 24 degrees 32 minutes 36 seconds West 955.46 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 71 degrees 56 minutes 33 seconds East 390.68 feet; thence leaving said existing corporate limits South 25 degrees 51 minutes 27 seconds East 905.35 feet to a point located on the south right-of-way of Governors West; thence along said right-of-way South 64 degrees 35 minutes 08 seconds West 409.04 feet to the point of true beginning and containing 8.51 acres, more or less.

ORDINANCE NO. 15-_____

2. That the corporate limits of the City of Huntsville, Alabama, are hereby extended and rearranged so as to embrace and include the hereinafter property as part of the corporate area of the City of Huntsville.

3. That this ordinance shall become effective upon its publication as required by law.

4. That the Mayor and City Clerk-Treasurer of the City of Huntsville, Alabama, are hereby authorized, requested and directed for and on behalf of the governing body of the City to file a description of the property or territory herein annexed in the Judge of Probate Office of Madison County.

ADOPTED this the ____ day of _____, 2015.

President or President Pro Tem of the
City Council of the City of
Huntsville, Alabama.

APPROVED this the ____ day of _____, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA
COUNTY OF MADISON

PETITION FOR ANNEXATION TO THE CITY OF
HUNTSVILLE, ALABAMA, UNDER ACT NO. 2228
S.134, 1971 REGULAR SESSION

TO: The City Clerk-Treasurer of the City of Huntsville, Alabama

The undersigned, Five Rings, LLC, An Alabama Limited Liability Company, by James B. Packard, As its Manager, hereby petitions the Mayor and City Council of the City of Huntsville, Alabama, to bring the hereinafter described property within the corporate limits of the City of Huntsville under the provisions of Act No. 2228, S. 134, of the 1971 Regular Session of the Legislature of Alabama. The undersigned respectfully requests that the property or territory hereinafter described be annexed to the City of Huntsville. I further certify that I have the right and authority to make and file this petition for annexation, that said property is contiguous to the existing corporate limits of the City of Huntsville, Alabama, which said City has a population of more than 2,000, and that said property does not lie within the corporate limits of any other municipality, and I do hereby respectfully petition the Mayor and City Council of the City of Huntsville to adopt an ordinance assenting to the annexation of said property to the City of Huntsville. I further certify that the property is assessed for ad valorem tax purposes in the name of Five Rings, LLC, an Alabama Limited Liability Company.

All that part of Section 12, Township 4 South, Range 2 West, of the Huntsville Meridian, Madison County, Alabama, more particularly described as beginning at a point located at the southwest corner of Section 12; thence from the point of beginning and along the south boundary of said Section 12 Due East 2,094.97 feet; thence leaving said boundary North 06 degrees 56 minutes 13 seconds West 768.46 feet to a point located on the south right-of-way of Governors West; said point is further described as the point of true beginning; thence leaving said right-of-way and point of true beginning North 24 degrees 32 minutes 36 seconds West 955.46 feet to a point; said point is further described as being located on the existing corporate limits of the City of Huntsville; thence North 71 degrees 56 minutes 33 seconds East 390.68 feet; thence leaving said existing corporate limits South 25 degrees 51 minutes 27 seconds East 905.35 feet to a point located on the south right-of-way of Governors West; thence along said right-of-way South 64 degrees 35 minutes 08 seconds West 409.04 feet to

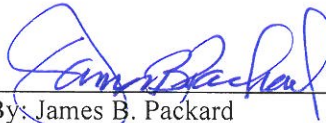
the point of true beginning and containing 8.51 acres,
more or less.

Attached hereto marked Exhibit A is a map of said territory showing its relationship to the corporate limits of the City of Huntsville, which said map is further identified as being entitled "Governors Property to be Annexed."

IN WITNESS WHEREOF, the undersigned have set their hand and seal the date herein indicated.

PREPARED BY
CITY OF HUNTSVILLE
PLANNING DIVISION

FIVE RINGS, LLC



By: James B. Packard
As its: Manager

(SEAL)



STATE OF ALABAMA

COUNTY OF MADISON

I, Lore Campbell, a notary in and for said County in said State, hereby certify that James B. Packard whose name as manager of the FIVE RINGS, LLC, a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation

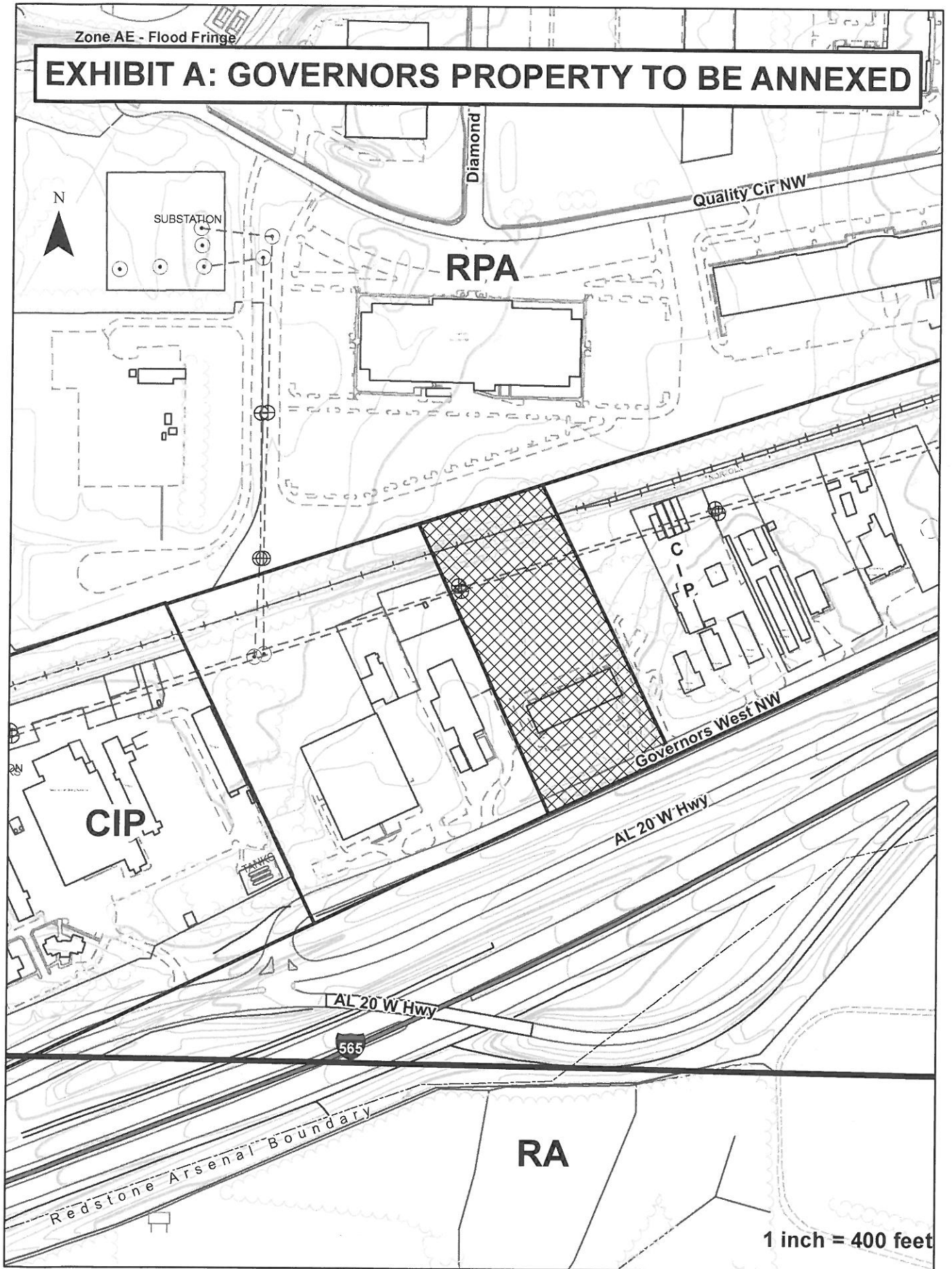
Given under my hand and official seal of office, this the 15th day of JUNE, 2015.


NOTARY PUBLIC

MY COMMISSION EXPIRES 1-14-2017

Zone AE - Flood Fringe

EXHIBIT A: GOVERNORS PROPERTY TO BE ANNEXED



1 inch = 400 feet

ANNEXATION SUMMARY: GOVERNORS

June 15, 2015

PETITIONER: Five Rings, LLC, An Alabama Limited Liability Company

LOCATION: North of Interstate 565 and on the north side of Governors West
Township 4 South, Range 2 West, Section 12

ACREAGE: 8.51 acres

REASON FOR
REQUEST: City Services

ANNEXATION GUIDELINES: GOVERNORS

1. Annexations that would fill in or make more regular the existing corporate limits should be strongly encouraged.

WOULD CONTINUE ONGOING ANNEXATIONS IN THIS AREA

2. The remaining tax islands should be annexed when ownership changes and redevelopment occurs....

NOT A TAX ISLAND

3. Annexations of land in subdivisions....

NOT PART OF A SUBDIVISION

4. Corridors are discouraged....

NOT A CORRIDOR

5. Point-to-point annexations should be discouraged....

NOT A POINT-TO-POINT CONNECTION

6. Owners living on land expected to be annexed within the ninety-day period preceding a municipal election....

NO MUNICIPAL ELECTION AT TIME OF ANNEXATION

7. Land which is known to be contaminated should not be annexed until such danger has been mitigated.

NO KNOWN CONTAMINATION

8. The annexation of land that would contribute to the city's economic development through an increase in taxes....

COMMERCIAL LAND

9. The city should require petitions for annexation referenda to satisfy additional conditions....

NOT A REFERENDA

10. City planners will explain to all annexation petitioners the policies under which services are provided.

POLICY STATEMENT SIGNED BY OWNER; COPY ATTACHED

**STATEMENT REGARDING
PROVISION OF CITY SERVICES TO NEWLY ANNEXED LANDS**

City services will be provided to all newly annexed lands according to the same policies that already govern in Huntsville. This means that Huntsville police and fire departments will respond to calls; garbage and trash will be collected by city sanitation; and school children will attend city rather than county schools. Transportation for students attending the city schools will be the responsibility of their parents. All applicable city ordinances will be enforced including the implementation of zoning regulations. Please note that the National agency that established the rating schedule for fire insurance premiums (ISO) assigns a higher rate to property that is over 5 road miles from their responding fire station and/or over 1000 feet from a fire hydrant.

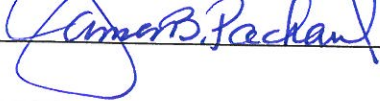
Water service is provided by Huntsville Utilities; however if the annexed land is already served by another water authority, the existing situation should be expected to continue until such time as development pressure or legal agreements between water authorities makes it feasible or possible for Huntsville Utilities to assume control of the water lines or extend new mains. The cost of main extensions usually are borne by the property owner.

Likewise, it has long been city policy to expand sanitary sewer service on a cost benefit basis. This policy applies to all land within the city regardless of its annexation date. In addition, the city has adopted a capital improvement plan to guide investment in infrastructure. In order for an area to be considered for road construction, drainage improvements, recreational or community facilities, new fire stations, or sanitary sewer extension, the area must be in the city and then must be prioritized according to need. Newly annexed land will be accorded the same consideration as other city lands.

Lastly, it is important to understand that those autonomous boards, agencies and utilities that have authority over the delivery of specific public services set their own policies and procedures.

* * * *

I have read the above statement governing the delivery of city services to lands annexed into the city of Huntsville, and I agree to these conditions as they may pertain to any of my lands that are annexed.

Petitioner  Date 6/10/15
Petitioner _____ Date _____